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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,570	07/06/2001	Matthew E. Hansen	1857.0280002	1619

26111 7590 06/03/2004  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
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EXAMINER  
BROWN, KHALED

ART UNIT  
2877

PAPER NUMBER

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/899,570

Applicant(s)

HANSEN, MATTHEW E.

Examiner

Khaled Brown

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32 and 38-46 is/are rejected.
- 7) ☒ Claim(s) 33-37 and 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date November 19, 2001.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

Figures 1-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following informalities: on page 8 paragraph 0042, the term "distance d 204" should be "distance d 206" as shown in Fig 3 and on page 15, paragraph 64, the wrong numbers are used to designate certain elements such as "Diffraction grating patterns 1712, 1722, 1732, and 1742..... Opaque centers 1712, 1722, 1732, and 1742" as compared to page 14, paragraph 0060.

Appropriate correction is required.

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Claim 43 is objected to because of the following informalities: the term "minimizes" seems to be grammatically incorrect and maybe replaced with - - minimize

- - . Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32 and 38-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaffard (US 4265539).

Re clm 32: Gaffard discloses a method for optical system coherence testing comprising the steps of: in an optical system aligning a light source (2) with an apparatus designed

for optical system coherence testing (1) and with a means to observe interference patterns (23-27), transmitting light through the apparatus designed for optical system coherence testing, and observing interference patterns from said transmitted light with the means to observe interference patterns (Gaffard Cols 3-4).

Re clm 38: spatial coherence (Col 4 lines 49-51)

Re clm 39,40,41: horizontal spatial coherence and vertical spatial coherence (Col 5 lines 1-4)

Re clm 42: temporal coherence (Col 1 lines 27-28)

Re clm 43: minimizes the extent of disassembly of the optical system (the optical system of the laser source does not have to be disassembled in order for the measurements to take place)

Re clm 44,45,46: electronic photographic recording medium (Col 4 lines 33-42).

***Allowable Subject Matter***

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Claims 33-37 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest that the incident light is non-perpendicular or that a demodulator reticle is used all in conjunction with the rest of the claimed subject matter.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Geary 4747688, Taylor 4990762, Wangler 5343489, Injeyan et al 5825791, Shalapenok et al 6081381, Guenther et al 6252714 and Land 6067391.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khaled Brown whose telephone number is 571-272-2411. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB  
June 1, 2004



Frank Font  
Supervisory Patent Examiner  
Art Unit 2877